

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR PERFORMANCE OR DISPLAY  
OF NONDRAMATIC MUSICAL WORKS AND  
PICTORIAL, GRAPHIC, AND SCULPTURAL  
WORKS BY PUBLIC BROADCASTING  
ENTITIES (PB IV)**

**Docket No. 21-CRB-0002-PBR  
(2023-2027)**

**NOTICE OF BROADCAST MUSIC, INC. REGARDING SETTLEMENT  
AND STATUS REPORT**

Broadcast Music, Inc. (“BMI”) hereby files this Notice of Settlement and Status Report in the above-captioned proceeding (the “Proceeding”) in accordance with the Notice of Participants, Commencement of Voluntary Negotiation Period, and Case Scheduling Order of the Copyright Royalty Judges (the “Judges”) dated February 9, 2021 (the “Notice”).

BMI hereby notifies the Judges of the progress it has made during the Voluntary Negotiation Period as to negotiating joint proposals and/or voluntary agreements with the other participants in this proceeding that will govern the fees and terms for the nondramatic public performance of musical works in the BMI repertory for the period 2023 through 2027.

**I. Rates Under 37 C.F.R. §381.4: Performance of Musical Compositions by  
PBS, NPR and other Public Broadcasting Entities.**

As in all prior proceedings, BMI has engaged in negotiations with National Public Radio (“NPR”), Public Broadcasting Service (“PBS”), and the Corporation for Public Broadcasting (“CPB” and, with NPR and PBS, the “Public Broadcasting Entities”) to reach a voluntary license

agreement for performance of works in the BMI repertory for the period from 2023 to 2027. As stated in the Notice of Settlement of Broadcast Music, Inc. and the Public Broadcasting Entities begin submitted concurrently in this Proceeding, BMI and the Public Broadcasting Entities have reached an agreement in principle for fees and terms that would apply in the new license period, but the terms of an agreement have not been finalized as of yet. The parties will notify the Judges when the agreement has been executed and a copy will be filed within thirty (30) days of its execution, as required by 17 U.S.C. §118 (b)(2).

## **II. Rates Under 37 C.F.R. §381.5: Performance of Musical Compositions by Public Broadcasting Entities Licensed to Colleges and Universities.**

37 CFR §381.5 sets forth the rates and terms that govern the public performance of musical works in the BMI repertory by public broadcasting entities licensed by colleges and universities. In this Proceeding, however, no representative of colleges and universities filed a petition to participate; *see* the list of participants in the Proceeding attached as Exhibit B to the Notice. On May 17, 2021, BMI submitted in this Proceeding the Proposal of Broadcast Music, Inc. of Rates and Terms for Colleges and Universities (the “Proposal”); as noted in the Proposal, both National Association of College and University Business Officers (“NACUBO”), which served as the representative of colleges and universities in the Public Broadcasting III proceeding, Docket No. 16-CRB-0002-PBR (2018-2022), and the American Council on Education (“ACE”), which represented colleges and universities in the prior Section 118 rate setting proceedings, support the Proposal.

**III. Rates Under 37 C.F.R. §381.6: Performance of Musical Compositions by Other Public Broadcasting Entities.**

BMI continues to engage in negotiations with the National Religious Broadcasters Noncommercial Music License Committee (“NRBNMLC”).<sup>1</sup> While the parties have not yet reached an agreement in principle, they continue to negotiate in good faith. BMI anticipates that an agreement will be reached in the near future, after which BMI and the NRBNMLC will file a joint proposal setting forth the fees and terms upon which they have agreed and that will govern the performance of musical works in the BMI repertory by religious broadcasting entities and other public broadcasting entities, as provided in 37 CFR §381.6.

Respectfully submitted,

BROADCAST MUSIC, INC.

/s/ Hope M. Lloyd / jtc

Hope M. Lloyd (NY # 3903754)  
John T. Ellwood (NY # 5189022)  
Broadcast Music, Inc.  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0300  
Telephone: (212) 220-3148  
Fax: (212): 220-4456  
[hlloyd@bmi.com](mailto:hlloyd@bmi.com)  
[jellwood@bmi.com](mailto:jellwood@bmi.com)

---

<sup>1</sup> In addition to the NRBNMLC, two other entities filed petitions to participate in the Proceeding that represent radio stations and/or publishers in this category: Church Music Publishers’ Association, Inc. (“CMPA”) and Educational Media Foundation (“EMF”). It is BMI’s understanding that EMF is represented by the NRBNMLC. It is also BMI’s understanding that, as in prior proceedings, both CMPA and EMF will join and/or support any proposal for rates under 37 C.F.R. §381.6 reached between BMI and the NRBNMLC in this Proceeding.

/s/ Jennifer T. Criss

Janet Fries (DC Bar # 445273)

Jennifer T. Criss (DC Bar # 981982)

Faegre Drinker Biddle & Reath LLP

1500 K Street, NW, Suite 1100

Washington, DC 20005

Telephone: (202) 842-8800

Fax: (202) 842-8465

[janet.fries@faegredrinker.com](mailto:janet.fries@faegredrinker.com)

[jennifer.criss@faegredrinker.com](mailto:jennifer.criss@faegredrinker.com)

*Counsel for BMI*

Dated: May 18, 2021

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of May, 2021, a copy of the foregoing Notice of Broadcast Music, Inc. Regarding Settlement and Status Report was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel and *pro se* participants who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ Jennifer T. Criss

Jennifer T. Criss

# Proof of Delivery

I hereby certify that on Tuesday, May 18, 2021, I provided a true and correct copy of the Notice of Broadcast Music, Inc. Regarding Settlement and Status Report to the following:

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at scott@oandzlaw.com

Powell, David, represented by David Powell, served via ESERVICE at davidpowell008@yahoo.com

Public Broadcasting Entities, represented by David P Mattern, served via ESERVICE at dmattern@kslaw.com

Church Music Publishers' Association, Inc., represented by Carroll C Rigler, served via ESERVICE at cheshirerigler@shrumhicks.com

American Society of Composers, Authors and Publishers, represented by Sam Mosenkis, served via ESERVICE at smosenkis@ascap.com

National Religious Broadcasters Noncommercial Music License Committee, represented by Karyn K Ablin, served via ESERVICE at ablin@fhhlaw.com

SESAC Performing Rights, LLC, represented by John C. Beiter, served via ESERVICE at john@beiterlaw.com

The Harry Fox Agency LLC, represented by John C. Beiter, served via ESERVICE at john@beiterlaw.com

Educational Media Foundation, represented by David Oxenford, served via ESERVICE at doxenford@wbklaw.com

Signed: /s/ Jennifer T. Criss